

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:17CR256
)	
Plaintiff,)	
)	DEFENDANT'S OBJECTION
vs.)	TO REVISED PRE-SENTENCE
)	REPORT
DONALD BAUERMEISTER,)	
)	
Defendant.)	

COMES NOW the Defendant Donald Bauermeister, by and through his attorney, J. William Gallup, and respectfully objects to the enhancement applied in paragraph 37 which contends that there should be an enhancement under Sect 3 B1.1(c) for the reason that the def was not an organizer, leader, manager or supervisor in any criminal case as required by United States vs. Frausto, 636 F.3d 992, 996 (8th Cir. 2011).

In support of this objection, the defendant incorporates by this reference the objection to the same paragraph made by the government in its objection to the revised Pre-Sentence Report. The Defendant further objects to paragraphs 41 and 42 for the reason that the original Pre-Sentence Report provided for a 3-level reduction for acceptance of responsibility and the revised Pre-Sentence Report provides for only a 2-level reduction. As noted in the original Pre-Sentence Report, the Defendant was entitled to another 1-level reduction pursuant to USSG § 3E1.1(b) and the government's motion for a 3rd level reduction.

Defendant objects to paragraph 81 for the reason that a total offense level should be 9. This is based upon the additional point that the defendant should've received for acceptance of responsibility.

DATED this 3rd day of January, 2018.

DONALD BAUERMEISTER, Defendant

BY: /s/ J. William Gallup
J. William Gallup #11425
Attorney for Defendant
209 South 19th Street, Suite 340
Omaha, NE 68102
Phone (402) 506-6336
Fax (402) 341-2188
omahalaw@live.com

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of January, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all interested parties on the Clerk's CM/ECF electronic filing system.

/s/ J. William Gallup
J. William Gallup #11425